

INTERAGENCY AGREEMENT
BETWEEN
THE ARIZONA DEPARTMENT OF TRANSPORTATION
AND
GOVERNOR'S OFFICE OF HIGHWAY SAFETY

THIS AGREEMENT is entered into January 22nd, 2002, under the provisions of Arizona Revised Statutes Section 35-148, between agencies of the STATE OF ARIZONA, to wit; the ARIZONA DEPARTMENT OF TRANSPORTATION, (the "ADOT") and GOVERNOR'S OFFICE OF HIGHWAY SAFETY and its DIRECTOR (the "GOHS").

I. RECITALS

1. The ADOT is empowered by Arizona Revised Statutes Section 28-401 and 28-334 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the ADOT.

2. The GOHS is empowered by Arizona Revised Statutes Section 41-1713 to enter into this agreement and has resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the GOHS.

3. The Federal Highway Administration (FHWA) has authorized appropriations under Section 1404 of TEA-21 funds, for the establishment of a new program of incentive grants (under Section 163 of chapter 1 of U.S.C. Title 23), to encourage states to establish 0.08 percent Blood Alcohol Concentration (BAC) as a legal limit for drunk driving offenses. A state may use these grant funds for any project eligible for assistance under Title 23. The requirements for these funds are identified on Exhibit A, attached hereto and made a part hereof.

4. These funds are retained by FHWA and accounted for and put to use by the GOHS. The GOHS has identified, on Exhibit B, attached hereto and made a part hereof, the areas in which the program funds will be distributed; and will administer said funds. This agreement is to define the terms of the transfer of said funds from ADOT to GOHS.

5. The only interest of ADOT in the program is in the acquisition of federal funds for the use and benefit of the GOHS by reason of federal law and regulations, as stated in item 3 above.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The GOHS will:

a. Apply funding to eligible sub-grantee projects in strict compliance with applicable Federal and State laws, rules and regulations. Federal requirements shown in Exhibit A are applicable in addition to all other applicable Federal laws, rules and regulations.

b. Submit to ADOT, no more often than weekly, a summary invoice/billing statement for reimbursement of actual costs paid to sub-grantees, along with copies of the sub-grantee invoices paid by the GOHS. The invoice/billing statement will list the amount paid to each sub-grantee, the total amount to be reimbursed by ADOT, and will include a statement certifying that the funds to be reimbursed were used in compliance with National Highway Traffic Safety Administration (NHTSA) rules and regulations.

2. The ADOT will:

a. Provide the GOHS federal funds in the amount of up to \$1,851,635.00 on a cost reimbursement basis, upon receipt of a invoices/billing statements from the GOHS in conformance with Section 1.b. above, for activities performed relating to the Section 163, Safety Incentive, established and shown in Exhibit A.

b. ADOT will process said invoices for payment promptly upon receipt of conforming invoices/billing statements from the GOHS.

III. MISCELLANEOUS PROVISIONS

1. The only interest of the Arizona Department of Transportation in this agreement is to pass-through federal funds for the use and benefit of the GOHS by reason of State and Federal law under which funds for the activities are authorized to be expended. The GOHS hereby agrees to accept responsibility for any and all cost and/or damage incurred by the State, any of its departments, agencies, officers and employees and from any other damage to any person or property whatsoever, which is caused by any activity, condition, or event arising out of the performance, nonperformance or negligent performance of any provisions of this agreement by the GOHS, any of its agents, officers and employees, or any of its independent contractors.

2. This agreement shall remain in force and effect until cancelled by either party or other competent authority.

3. This agreement shall become effective upon execution by the parties hereto.

4. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

5. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

6. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Arizona Department of Transportation
Financial Management, Cost Accounting Administrator
206 South 17 Avenue, Mail Drop 204B
Phoenix, AZ 85007

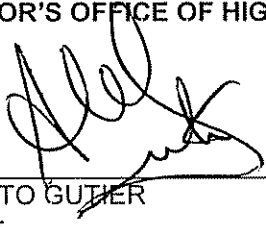
Governor's Office of Highway Safety
Director
3030 N. Central Avenue, Suite 1550
Phoenix, AZ 85012

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

STATE OF ARIZONA

GOVERNOR'S OFFICE OF HIGHWAY SAFETY

By

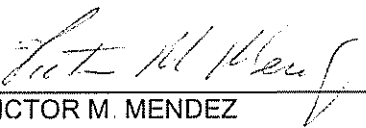

ALBERTO GUTIER
Director

1-22-02

(date)

DEPARTMENT OF TRANSPORTATION

By



VICTOR M. MENDEZ
Director

01/18/02

(date)

01-166.doc
17Dec2001

APPROVED

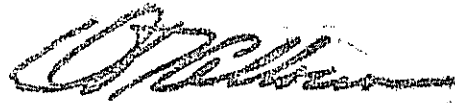

Assistant Attorney General
Attorney for Department
of Transportation

Date Jan. 18th, 2002

RESOLUTION

BE IT RESOLVED on this 25th day of October, 2001, that I, the undersigned VICTOR M. MENDEZ, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Financial Management Services, to enter into an agreement with the Governor's Office of Highway Safety, (GOHS), for the acquisition of federal funds for the use and benefit of the GOHS, for the establishment of a new program of incentive grants (under Section 163 of chapter 1 of U.S.C. Title 23).

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Director of the Arizona Department of Transportation for approval and execution.

A handwritten signature in black ink, appearing to read 'David Allocco', is written over a horizontal line.

DAVID ALLOCCO, Manager
Engineering Technical Group
for Victor M. Mendez, Director



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO
ATTORNEY GENERAL

1275 WEST WASHINGTON. PHOENIX, AZ. 85007-2926

MAIN PHONE : (602) 542-5025
FACSIMILE : (602) 542-4085

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A.G. Contract No. KR2-0081-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of any parties, other than the State or its agencies, to enter into this agreement.

DATED this 18th day of JANUARY, 2002.

JANET NAPOLITANO
Attorney General

DENNIS D. CARPENTER, JR.
Assistant Attorney General
Transportation Section

163 Guidance

11/20/98

Section 163 (.08) Funds Accounting Guidance - Amended

Process:

- The funds are apportioned to the State Highway agency. The State Highway Safety office and the State Highway agency need to jointly decide how the funds will be programmed.
- The FHWA has established specific program area codes for Section 163 funds. Appropriation code **QO8** should be used when obligating these funds for Federal-Aid highway type programs and **QN1** should be used when obligating these funds for NHTSA type highway safety programs. The State Highway agency will be accounting for these funds in the two categories.
- The State Highway Safety office will submit vouchers and reimbursement requests for these funds to their State Highway agency for processing.

Funding Requirements:

Section 163 funds obligated and spent on projects eligible under NHTSA Sections 402, 405, 410, or 411 take on the characteristics of the program the funds are applied against as follows:

Section 402 -

Requirements:

- Funds can be spent on any highway safety program areas.
- Activities should be included in the State's Performance Plan and Highway Safety Plan.
- 40% of the Federal funds are required to go to the benefit of the local entities.
- Program funds are 100% Federally funded.
- Up to 10% can be used for Planning and Administrative costs and 100% Federally funded.

Sections 405, 410, or 411 -

Requirements:

- Funds must be spent for occupant protection, alcohol, or data programs, respectively.
- Activities should be included in the State's Performance Plan and Highway Safety Plan.
- Program funds are 100% Federally funded.

Reporting:

The State Highway Safety office should **not** account for these funds in the **NHTSA GTS**, since the obligation, vouchering, and reimbursement for these funds will be processed by their State's Highway agency. However, since NHTSA has to report to Congress on Section 163 funds used for highway safety purposes, the State Highway Safety office should provide us with the following two reports:

- 1.) An initial report following the State's decision on the single amount planned to be used for NHTSA

type highway safety programs, and

2.) A final report as part of their annual evaluation.

The report format would be as follows:

Section 163 Funds

Fiscal Year

State Name

AMOUNTS

<u>NHTSA</u> <u>Program Areas</u>	<u>Planned</u>	<u>Obligated</u>	<u>Expended</u>	<u>Amount</u> <u>To Local</u>
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Section 163
FY 2001 Funds
Arizona

Contract	Aren	Task	Grantee	Request For	Planned	Obligated	Expended	Share to Local
	QNI-402	01	ADOT	Project Funding	60,000.00			0.00
	QNI-402	02	ASU PD	8 PBTs	4,000.00			0.00
	QNI-402	03	AZ Department of Liquor Licenses	Youth Alcohol Enforcement	50,000.00			0.00
	QNI-402	04	Clifton Town	Street Signs	2,000.00			2,000.00
	QNI-402	05	Coconino County SO	Intoxilyzer	8,000.00			8,000.00
	QNI-402	06	Coconino SO/Flagstaff PD/NAU	2 Motors	30,000.00			30,000.00
	QNI-402	07	DPS	Criminalist	50,000.00			0.00
	QNI-402	08	DPS Metro Phoenix	Speed Details/Seat Belt Details	100,000.00			0.00
	QNI-402	09	DPS/Mesa-Tempe-Tucson PDs	Training & Accident Reconstruction - Vulcan Equipment	100,000.00			75,000.00
	QNI-402	10	Far West Valley Task Force	DUI/Traffic Enforcement - OT	40,000.00			40,000.00
	QNI-402	11	GOHS	BAC 08 Advertising Campaign - ADS 142,000 - VMS - 46,000	188,000.00			0.00
	QNI-402	12	GOHS	Demo Van DUI/Occupant Protection	95,000.00			0.00
	QNI-402	13	GOHS	Planning and Administration	184,635.00			0.00
	QNI-402	14	GOHS Share to Local	20 Fatal Vision Goggles	12,000.00			12,000.00
	QNI-402	15	GOHS Share to Local	Helmet/Child Safety Seats - Statewide Distribution	112,000.00			112,000.00
	QNI-402	16	GOHS Share to Local	Video Cameras for Patrol Cars - Statewide Distribution	150,000.00			150,000.00
	QNI-402	17	GOHS Share to Local	Red Light Enforcement Details	100,000.00			100,000.00
	QNI-402	18	GOHS Share to Local	Radar Guns-Lasers-Vascars-Tatons	101,000.00			101,000.00
	QNI-402	19	La Paz County SO	PBTs and 2 Intoxilyzers	18,000.00			18,000.00
	QNI-402	20	Mesa PD	DUI Command Van	130,000.00			130,000.00
	QNI-402	21	Paradise Valley PD	2 Motor Radars	6,000.00			6,000.00
	QNI-402	22	Parker PD	Video	4,000.00			4,000.00
	QNI-402	23	Phoenix PD	Extraction Equipment	60,000.00			60,000.00
	QNI-402	24	Phoenix PD	Accident Reconstruction	30,000.00			30,000.00
	QNI-402	25	Pima County Community College	Intoxilyzer	8,000.00			8,000.00
	QNI-402	26	Pima County Parks & Recreation	PBTs	2,000.00			2,000.00
	QNI-402	27	Pima County SO	Motors	39,000.00			39,000.00
	QNI-402	28	Prescott PD	DUI/Unmarked/Intoxilyzer	30,000.00			30,000.00
	QNI-402	29	Scottsdale PD	EV DUI Task Force - OT	17,000.00			17,000.00
	QNI-402	30	Sedona PD	Video	4,000.00			4,000.00
	QNI-402	32	Show Low PD	DUI Van Conversion	20,000.00			20,000.00
	QNI-402	31	South Tucson PD	Intoxilyzer	8,000.00			8,000.00
	QNI-402	33	Surprise PD	2 Lasers	7,000.00			7,000.00
	QNI-402	34	Tolleson PD	Video/Motor/Laser	42,000.00			42,000.00
	QNI-402	35	Tucson City Court	DUI Education	5,000.00			5,000.00
	QNI-402	36	Tucson PD	8 Lasers	26,000.00			26,000.00
	QNI-402	37	Williams PD	Video	9,000.00			9,000.00
					1,851,635.00	0.00	0.00	1,895,000.00